

3 FEB 1975

Honorable Lawton Chiles
United States Senate
Washington, D.C. 20510

Dear Senator Chiles:

I have your letter dated January 20, 1975 regarding the outside activities of physician-employees of the CIA. I am, of course, referring to physicians who practice clinical medicine for the Agency and who are employees of the U.S. Government. The outside activities of these physicians, like the outside activities of all other Agency employees, are governed by the federal statutes and the Executive order pertaining to conflicts of interest and ethical conduct of Government employees. As long as the outside activities of employees conform to these standards and the additional standards imposed by this Agency with regard to security and other matters, they may conduct themselves in the same manner as all other employees of the Federal Government. To further restrict an individual's activities would appear to me to be an unjustified intrusion into his or her personal affairs.

For your information, the CIA maintains a specific, outside activities clearance procedure to ensure that an employee's proposed activities do not violate the pertinent statutes or the Executive order or possibly reveal intelligence sources and methods, which I am responsible, by statute, for protecting. There is absolutely no prohibition on our physicians who maintain a private practice from discussing their Agency affiliation either if asked by their patients or if they believe it appropriate to do so. So long as these physicians meet the high personal and professional standards prescribed for their profession and for employment by the Federal Government, I see no reason arbitrarily to hinder or limit them in the conduct of their personal lives.

Sincerely,

/s/ W. E. Colby

W. E. Colby
Director



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OGC/AEG:OLC/LLM:cp (3 Feb 75)

12 June 1975

MEMORANDUM FOR: Director of Medical Services

SUBJECT : Private Practice Activities of Federal Medical Officers.

1. The undersigned contacted the below listed federal medical officers regarding the private practice activities of physicians under their jurisdiction:

John H. Baker, M.D. Assistant Medical Director, CD, Dept of State
Raymond L. Eck, M.D. Medical Director, CSC

██████████ M.D. Deputy Medical Director, NSA

Eugene M. Caffey, M.D. Chairman of Special Boards, VA

- Col. William B. Dye, MC, Office of the Surgeon General, USAF

2. The comments made by each individual contacted is as follows:

Dr. Baker: Stated the State Department physicians do practice medicine after duty hours which includes some working in emergency rooms. He further indicated there was nothing to prohibit a State Department physician (full-time or part-time) from engaging in private practice. He saw no reason why these physicians would not be permitted to treat State Department employees after duty hours so long as there was no conflict with his government duties. He did feel that State Department physicians should not treat performance of duty illness or injuries. Dr. Baker was not aware of any State Department guidelines in the form of regulations governing this subject.

Dr. Eck: Indicated there was nothing to prohibit a physician in the Civil Service System to participate in private practice after duty hours. Dr. Eck indicated that he had both full-time and part-time physicians working in his office, who practiced after duty hours. He further indicated there was no reason why a Civil Service physician could not treat U.S. government employee in private practice so long as the physician did not treat a performance of duty illness or injury case and expected reimbursement from the U.S. Government for the services rendered. He felt this would be a conflict of interest situation.


Dr. ██████████ Commented that there was no prohibition of NSA physicians engaging in private practice after duty hours, however the psychologist who worked at NSA are not permitted to refer patients to themselves. Also the physicians would not be permitted to accept Federal compensation cases and expect to be paid for their services. Dr. ██████████ concluded: As long as the outside practice does not interfere with their federal

position, there is no objection to NSA physicians practicing medicine after duty hours.

Dr. Caffey: The regulations of the VA do not permit the VA physician to engage in the private practice of medicine at anytime without special approval. Based on the needs of a community and with the recommendation of the local medical society, the V.A. may approve a request for a V.A. physician to engage in private practice and be paid for his services - after duty hours. Approval is usually for a specific period of time.

Col. Dye: Stated Air Force physicians must obtain permission to practice after duty hours. The local county medical society must also indicate a need for the services of the Air Force physician in the community. The physician must be licensed to practice in the State concerned. The Air Force physician cannot be paid for treatment of individuals who are covered by federal medical programs.

3. The above information resulted in phone calls to the persons identified.


Special Assistant to the
Director of Medical Services

STATINTL

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Remarks:

I thought we had more on this topic in terms of any ruling from OGC on OMS staff physicians having private practice. I would appreciate an opportunity to discuss this further before your office might initiate any other action.

Charles
Charles A. Bohrer, M.D.

OMS/CAB:jv
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